THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 9026 of 2006

Dated: 06-07-2006

Between:

Smt. Bandi Sujatha Reddy

..... PETITIONER

AND

The General Manager, Tele-Communications (BSNL),
Nellore District and three others.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 9026 of 2006

O R D E R:

This writ petition is filed seeking a declaration that the alleged action of the respondents in digging a pit in the residential locality to erect 200 feet micro wave cell tower is arbitrary and illegal and for a consequential direction to the respondents not to erect the micro wave cell tower in the residential locality of Sydapuram village and Mandal.

The petitioner states that she is the absolute owner of house bearing No.12/3 situated in Sydapuram village and that there is a telephone exchange in the village adjacent to the house of the petitioner. It is also stated that earlier a small tower was erected by BSNL, however, on 18-04-2006 the officials of the respondents 2 and 3 with the help of the labour started digging a big pit measuring 17 feet width and 12 feet depth for the purpose of erecting micro wave cell tower. It is alleged that the said pit has been dug within two feet to the wall of the petitioner's house and it is likely to cause damage to the petitioner's house and endanger the human life. It is also alleged that there is every likelihood of the tower, proposed to be erected, being collapsed in rainy season and that in spite of the protests raised by the residents of the locality, the respondents 2 and 3 are proceeding with the erection of the tower. Hence, this writ petition.

In response to the notice, dated 27-04-2006, a counter affidavit has been filed on behalf of the respondents stating that as a part of Phase IV project, a tower is proposed at Sydapuram Exchange building compound. The consent of landlord in this regard was also

taken and work was started by M/s. Nortel. Meanwhile, some of the neighbours objected the erection of 40 M Cell Tower fearing that the tower may cause damage to their buildings in the event of high winds, Cyclone or floods. Residents of the locality were explained about structural stability of the tower. They were also assured that absolutely there would not be any problems in the event of cyclone or floods. It is also stated that the tower proposed to be erected is only 120 feet but not 200 feet.

The version of the respondents in their counter affidavit remained un-rebutted and no other material has been placed before this Court to substantiate the apprehensions expressed by the petitioner that the tower proposed to be erected is not safe and may cause loss to the residents of the locality.

In the circumstances, I do not find any merit in the writ petition and the same is accordingly dismissed. No costs.

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G. ROHINI, J

Dated: 06-07-2006
KLP